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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,734	10/29/2003	Eugene Joseph Pancheri	9399	7723

27752 7590 12/29/2006  
THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
WINTON HILL BUSINESS CENTER - BOX 161  
6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER

LU, JIPING

ART UNIT PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/697,734	Applicant(s) PANCHERI ET AL.	
	Examiner Jiping Lu	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,980,583 to Staub et al. in view of US Patent 5,985,385 to Gottfried.

Staub et al. teach a fabric article treating device comprising source 60 of a benefit composition (col. 5, ln. 55-56), dispensing means 50 with temperature sensitive chemical component (col. 5, ln. 12-14), and an insulating means for thermal protection on source 60 (col. 7, ln. 29-30). Staub et al. do not teach the thermal protection means having first, second, and third layers as presently claimed. Gottfried teaches a thermal protection wrapping system comprising three layers 22, 32, 42, one of which 32 has low thermal conductivity and is sandwiched between two other layers 22, 42 (col. 4, ln. 25-30; col. 7, ln. 4-6). As Gottfried teaches that having his multi-layer system comprising one layer of low thermal conductivity leads to greater heat protection (col. 3, ln. 47-50 and abstract), it would have been obvious to one of ordinary skill in the art to modify the thermal protector of Staub et al. with the multi-layer thermal protector 22, 32, 42 of Gottfried. Regarding the specific range of thermal conductivity claimed, Gottfried does not teach the exact level of thermal conductivity of his low thermal conductivity layer. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranged involves only routine skill in the art. *In re*

*Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Gottfried is a solid (col. 7, ln. 6-10).

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al. (U. S. Patent 5,980,583) in view of Warburton et al. (U. S. Patent 3,828,119).

Staub et al. teach a fabric article treating device comprising source 60 of a benefit composition (col. 5, line 55-56), dispensing means 50 with temperature sensitive chemical component (col. 5, line 12-14), and an insulating means for thermal protection on source 60 (col. 7, line 29-30). Staub et al. do not teach the thermal protection means having first, second, and third layers as presently claimed. Patent to Warburton et al. teaches a thermal protection wrapping system comprising three layers 14, 18, 20, one of which 18 has low thermal conductivity and is sandwiched between two other layers 14, 20 (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the thermal protector of Staub et al. with the multi-layer thermal protector of Warburton et al. in order to improve the heat insulating. Regarding the specific range of thermal conductivity claimed, Warburton et al. does not teach the exact level of thermal conductivity of his low thermal conductivity layer. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranged involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Gottfried is a solid (col. 7, ln. 6-10).

#### ***Response to Arguments***

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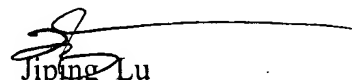
4. Applicant's arguments filed 10/5/2006 have been fully considered but they are not persuasive. Staub does teach the use of heat insulation for protection of the contents of the chemical storage tank. Gottfried also teaches the multi-layer heat insulations construction 22, 32, 42 for reducing the transmission of heat same as the applicant's. Therefore, it is the examiner's position that it would have been obvious to one skilled in the art, in view of the combined teachings of the references, to modify the thermal protector of Staub et al. with the multi-layer thermal protector 22, 32, 42 of Gottfried. Applicant argued that Gottfried teaches that is desirable to absorb excess heat generated from the electrical transmission device. It is true because Gottfried use a fourth layer 52 for absorbing heat. However, examiner only uses the teaching of layers 22, 32, 42 for reducing the transmission of heat.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, COCKS JOSIAH can be reached on 571 272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.